

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

-----X		:
ANTHONY BAFFO,		:
		:
	Plaintiff,	:
		:
	v.	:
		:
NEW YORK INSTITUTE OF TECHNOLOGY;		:
ROBERT RIZZUTO, in his official and		:
individual capacities; and LEONARD AUBREY,		:
in his official and individual capacities;		:
		:
	Defendants.	:
		:
-----X		:

CIV-10-1245 (LDW)(ETB)

**PLAINTIFF'S LIST OF
TRIAL WITNESSES AND
EXHIBITS**

Pursuant to Magistrate Judge Boyle's Order dated May 17, 2011, Plaintiff submits the following trial witnesses and exhibits. Plaintiff reserves the right to supplement the exhibit list with documents still to be produced and/or will be requested for production during the upcoming deposition of Stephen Kloepper. Plaintiff also reserves the right to amend and/or supplement this submission, consistent with the Federal Rules of Civil Procedure, Local Civil Rules for the Eastern District of New York and/or the Individual Practices of the Honorable Leonard D. Wexler. Lastly, Plaintiff reserves his right to object to the admissibility of any of Defendants' exhibits at trial.

A. Plaintiff's Trial Witnesses:

1. Anthony Baffo
2. Robert Rizzuto
3. Leonard Aubrey
4. Eric Redlich
5. Carol Jablonsky

6. Stephen Kloepper
7. Kristen K. Kucsma, M.A
8. Frank D. Tinari, Ph.D.

B. Plaintiff's Trial Exhibits:

1. A. Baffo 2009 W-2 Form; Bates No. AB 001
2. A. Baffo Form 1099-G; Bates No. AB 002
3. A. Baffo Earnings Statements from Doherty Enterprises; Bates No. AB 003-006
4. A. Baffo Customer Comments; Bates No. AB 007-27
5. A. Baffo 2006-2007 Professional Development Program; Bates No. AB 028-31
6. A. Baffo 2007-2008 Professional Development Program; Bates No. AB 032-33
7. A. Baffo 2008-2009 Professional Development Program; Bates No. AB 034-36
8. Letter from New York Blood Center to A. Baffo dated September 25, 2009; Bates No. AB 037
9. Letter from New York Blood Center to A. Baffo dated October 15, 2009; Bates No. AB 038
10. De Seversky Center General Manager Job Description; Bates No. AB 0041-42
11. A. Baffo General Manager Expectations dated March 2008; Bates No. AB 043-59
12. Email exchange between A. Baffo and R. Rizzuto dated October 2, 2009; Bates No. AB 072
13. Memo from L. Aubrey to R. Rizzuto dated October 16, 2008; Bates No. AB 073
14. Memo from R. Rizzuto to C. Jablonsky dated October 20, 2009; Bates No. AB 074-75
15. Job Posting re de Seversky Dining Room Captain Position; Bates No. AB 076-77
16. Job Posting re de Seversky Catering Sales Associate Position; Bates No. AB 078-79
17. A. Baffo COBRA documents; Bates No. AB 080-91
18. A. Baffo Life Insurance Continuation documents; Bates No. AB 092-93

19. Email from M. Gloeckler to A. Baffo dated November 11, 2009; Bates No. AB 094-95
20. A. Baffo Starbucks Application Package; Bates No. AB 104-108, 111
21. A. Baffo Professional References; Bates No. AB 110
22. A. Baffo Confirmation of Interview on November 30, 2009 with Doherty; Bates No. AB 112
23. A. Baffo Job Application Receipt Acknowledgements; Bates No. AB 115-126
24. A. Baffo Confirmation of Interview on November 4, 2009 with Away Café; Bates No. AB 127
25. Email from R. Rizzuto to A. Baffo dated October 26, 2009; Bates No. AB 180
26. A. Baffo Job Search Resources; Bates No. AB 134-140, 144-147
27. A. Baffo Unemployment Monetary Benefit Determination; Bates No. AB 148
28. A. Baffo Rejection Letter from Uno Pizzeria dated November 13, 2009; Bates No. AB 167
29. Professional Development Program Guide for Supervisors; Bates No. AB 183-189
30. de Seversky Center Monthly Income Statements; Bates No. AB 066-71, 222-251, 256-267, 455-457, D08905-8907
31. de Seversky Fiscal Year 2009 P&L; Bates No. AB 252-253
32. de Seversky Fiscal Year 2009 Budget; Bates No. AB 254-255
33. Dining Room Captain Budget Request Form; Bates No. AB 275, 291
34. de Seversky Position Control as of October 2008; Bates No. AB 333
35. NYIT Food Service Position Control Fiscal Year 2007-2009; Bates No. AB 357-367
36. Signed Recruitment Authorization for Dining Room Captain; Bates No. AB 392
37. Memo from R. Rizzuto to L. Aubrey dated October 29, 2008; Bates No. AB 440-441
38. Memo from R. Rizzuto to A. Baffo dated October 28, 2008; Bates No. AB 442-444

39. A. Baffo Offer Letter dated August 28, 2006; Bates No. AB 445
40. A. Baffo Proposed Separation Agreement dated October 26, 2009; Bates No. AB 448-454
41. A. Baffo Complaint Filed with New York State Division of Human Rights; Bates No. AB 462-466
42. Demand Letter to NYIT dated December 22, 2009; Bates No. AB 469-474
43. Order of Dismissal of Complaint with New York State Division of Human Rights; Bates No. AB 475-476
44. A. Baffo Medical Documents; Bates No. AB 482-574
45. de Seversky P&Ls from 2006-2009; Bates No. D00001
46. de Seversky P&L from September 2008 and 2009 and October 2008 and 2009; Bates No. D00002
47. A. Baffo Employment Application; Bates No. D00004-5
48. Memo from L. Aubrey to A. Baffo dated October 23, 2009; Bates No. D00022-29
49. Memo from L. Aubrey to A. Baffo dated October 26, 2009; Bates No. D00030-37
50. Email from E. Redlich to R. Rizzuto dated October 28, 2009; Bates No. D03367
51. Email chain between R. Rizzuto and E. Redlich dated October 23, 2009; Bates No. D03417-3418
52. Email from E. Redlich to A. Baffo and R. Rizzuto dated October 21, 2009; Bates No. D03473
53. Email chain between E. Redlich and R. Echauri dated October 12-October 16, 2009; Bates No. D03606-3608
54. Email from E. Redlich to R. Rizzuto dated October 7, 2009; Bates No. D03755
55. Email from D. Campbell to R. Rizzuto dated October 30, 2009; Bates No. D04695
56. Email from E. Redlich to R. Rizzuto dated October 19, 2009; Bates No. D04729
57. E. Redlich 2008-2009 Professional Development Program; Bates No. D05254-5255, 8608
58. Email forwarded from R. Rizzuto to E. Redlich dated October 20, 2009; Bates No. D05971

59. Email from E. Redlich to "Cara" dated October 26, 2009; Bates No. D06638
60. Memo from R. Rizzuto to L. Aubrey re E. Redlich dated January 8, 2010; Bates No. D06724
61. NYIT New Hire Report from January 1, 2008 through August 27, 2010; Bates No. D07273-7275
62. Recruitment Authorization for Dining Room Captain dated September 3, 2009; Bates No. D02128-2129
63. Memo from A. Baffo to L. Aubrey re Dining Room Captain RA dated September 3, 2009; Bates No. D02130
64. Dining Room Captain Job Description; Bates No. D02131-2132
65. Email from A. Baffo to M. Gaughran dated September 1, 2009; Bates No. D02145
66. Recruitment Authorization for Catering Sales Associate; Bates No. D02155-2156
67. Memo from A. Baffo to L. Aubrey re Catering Sales Associate RA dated September 1, 2009; Bates No. D02157
68. Email from R. Rizzuto to C. Jablonsky dated October 23, 2009; Bates No. D03250
69. C. Jablonsky Outlook calendar entry for October 26, 2009; Bates No. D03271
70. C. Jablonsky Outlook calendar entry re postponed meeting with R. Rizzuto on October 23, 2009; Bates No. D03272
71. C. Jablonsky Outlook calendar entry for October 19, 2009; Bates No. D03273
72. C. Jablonsky Outlook calendar entry re Meeting with R. Rizzuto on October 23, 2009; Bates No. D03274
73. Email from R. Rizzuto to C. Jablonsky dated October 26, 2009; Bates No. D03280
74. Email exchange between R. Rizzuto and C. Jablonsky dated October 26, 2009; Bates No. D03283
75. Email from R. Rizzuto to C. Jablonsky dated October 23, 2009; Bates No. D03286
76. Email exchange between R. Rizzuto and C. Jablonsky dated October 23, 2009; Bates No. D03288

77. Email exchange between R. Rizzuto and C. Jablonsky dated October 21, 2009; Bates no. D03293
78. Email with attachment from R. Rizzuto to C. Jablonsky dated October 20, 2009; Bates No. D03294-3296
79. Email exchange between R. Rizzuto and C. Jablonsky dated October 20, 2009; Bates No. D03297
80. Email from R. Rizzuto to C. Jablonsky dated October 20, 2009 attaching organizational chart; Bates No. D03298-3299
81. Email with attachment from R. Rizzuto to C. Jablonsky dated October 20, 2009; Bates No. D03302-3304
82. Email with attachment from R. Rizzuto to C. Jablonsky dated October 20, 2009; Bates No. D03300-3301
83. L. Aubrey Outlook calendar entry for October 16, 2009; Bates No. D06587
84. L. Aubrey Outlook calendar entry for August 25, 2009; Bates No. D06588
85. NYIT Separated Employees Report from January 1, 2008 through August 27, 2009; Bates No. D07266-7272
86. L. Aubrey Outlook calendar entry for October 21, 2009; Bates No. D08127
87. Email exchange between C. Jablonsky and C. Hendea dated October 21, 2009; Bates No. D08908-8909
88. Email exchange between S. Kloepper and C. Jablonsky dated October 19, 2009; Bates No. D08932
89. Email from C. Jablonsky to S. Kloepper dated October 26, 2009; Bates No. D08933
90. Email from C. Jablonsky to S. Kloepper dated October 20, 2009; Bates No. D08944
91. Email from C. Jablonsky to S. Kloepper dated October 16, 2009; Bates No. D08945
92. Email from C. Jablonsky to C. Hendea dated October 20, 2009; Bates No. D08964
93. 2009 NYIT Food Service PDP Rating; Bates No. D01510-1511
94. Email with attachment from R. Rizzuto to C. Jablonsky dated October 19, 2009; Bates No. D03305-3306

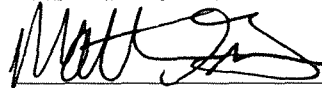
95. Dining Services organizational chart as of October 19, 2009; Bates No. D03308
96. Email exchange between R. Rizzuto and C. Jablonsky dated October 16, 2009; Bates No. D03309
97. Email exchange between E. Redlich and R. Rizzuto dated October 7, 2009; Bates No. D03755
98. Email from A. Baffo to R. Rizzuto dated July 18, 2009; Bates No. D05877
99. R. Rizzuto Professional Development Program 2006-2007; Bates No. D07260-7261
100. R. Rizzuto Professional Development Program 2008-2009; Bates No. D07262-7263
101. R. Rizzuto Outlook calendar entry for October 2, 2009; Bates No. D07947
102. Email with attachment from R. Rizzuto to P. Visconti dated October 19, 2009; Bates No. D08103-8104
103. Memo from R. Rizzuto to L. Aubrey dated October 29, 2008; Bates No. D06675-6676
104. E. Redlich Professional Development Program 2009-2010; Bates No. D08606-8607
105. Memo from R. Rizzuto to E. Redlich dated June 16, 2010; Bates No. D08609
106. de Seversky Revenue Forecast from September 1, 2009 through August 31, 2010; Bates No. D08615-8626
107. A. Baffo Time Card Report from September 1, 2009 through October 26, 2009; Bates No. D08627-8629
108. R. Rizzuto Time Card Report from September 1, 2009 through October 31, 2009; Bates No. D08630-8632
109. R. Echaury Resume; Bates No. D08653-8655
110. Email with attachment from R. Rizzuto to E. Redlich dated October 2, 2009; Bates No. D08772-8776
111. R. Rizzuto NYIT call log for October 1, 2009 and October 2, 2009; Bates No. D08902
112. R. Rizzuto Sprint subscriber activity detail for October 1, 2009 and October 2, 2009; Bates No. D08903

113. September 2009 NYIT Service Charge Distribution Report; Bates No. D08904
114. Email from R. Rizzuto to C. Jablonsky dated October 23, 2009; Bates No. D03250
115. R. Rizzuto talking points re termination of A. Baffo; Bates No. D08408
116. Memo from Office of Human Resources to All Supervisory Personnel dated June 15, 2009; Bates No. D03264-3265
117. Memo from A. Baffo to R. Rizzuto dated October 28, 2008; Bates No. AB 455-457
118. Email from New York Blood Center to A. Baffo dated September 10, 2009; Bates No. D06596
119. Email from New York Blood Center to A. Baffo dated September 19, 2009; Bates No. D06589
120. 2010 Fiscal Year Revenue Forecast; Bates No. D09060-9081

Dated: New York, New York
June 17, 2011

Respectfully submitted,

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